

**TOWN OF EAST FISHKILL
PLANNING BOARD MEETING**

APRIL 20, 2021

Zoom Webinar Meeting

Planning Board Chairperson John Eickman called the meeting to order.

Members present were Lori Gee, John Cutler, Ed Miyoshi and Christopher Tamulonis.

Member Richard Campbell was absent.

Alternate Members Sarah Bledsoe Craig Arco was also present.

Town Consultants present were: Michelle Robbins, Town Planner, Scott Bryant, P.E.- Town Engineer, Michael Cunningham, Esq., Town Attorney.

Jackie Keenan, Planning Board Clerk was also present.

CHAIRPERSON COMMENTS

a. Mr. Eickman began the meeting with the **Pledge of Allegiance**.

b. Mr. Eickman announced that the **UPCOMING MEETING DATES** are:
May 18, 2021 and June 8, 2021

c. ***APPROVAL OF MINUTES OF MEETING Held February 16, 2021:***

MOTION made by Lori Gee, seconded by Ed Miyoshi, to approve the Minutes of Meeting held February 16, 2021. Voted and carried. Craig Arco abstained.

c. ***APPROVAL OF MINUTES OF MEETING Held March 9, 2021:***

MOTION made by Ed Miyoshi, seconded by Lori Gee, to approve the Minutes of Meeting held March 9, 2021. Voted and carried. Craig Arco abstained.

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3 *c. APPROVAL OF MINUTES OF MEETING Held March 30, 2021:*

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5 **MOTION made by Lori Gee, seconded by John Cutler, to approve the Minutes of**
6 **Meeting held March 30, 2021. Voted and carried. Christopher**
7 **Tamulonis and Craig Arco abstained.**
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14 **DISCUSSION:**
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16 1. **#2020-010 Morrow Crane 216 Lime Kiln Rd (6455-00-260640)**

17 Proposed 26,000 sq ft building and storage yard for the assembly, maintenance, and
18 distribution of mobile industrial cranes for construction.

19 Terri Hahn, of LADA, P.C., Land Site Planners and Peter Juhren were present for
20 Morrow Equipment Company LLC.

21 Ms. Hahn said she had a presentation to give.
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23 **MOTION made by John Cutler, seconded by Lori Gee, to open the Public Hearing**
24 **for Morrow Crane. Voted and carried unanimously.**
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26 Ms. Hahn asked if she could share her screen and Mr. Cunningham responded yes. She
27 began, saying she wanted to indicate the changes that had occurred, specifically, in response to
28 the Fire Chief and Fire Advisory Board. She said they had asked for a turnaround located
29 approximately halfway down the driveway. It is about 1200 FT from Lime Kiln Road to the
30 proposed building, and she said they had asked for a turnaround that would be suitable for the
31 firetrucks. Vehicle movement plans were also submitted that would indicate how a tractor-trailer
32 and a firetruck would travel through the site and around the site, as movement would anticipate.
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1 Another change is that the Engineers had asked for a light to be located at Lime Kiln Road,
2 which has been added. In the process of doing the turning radius, Ms. Hahn she said the curve for
3 the entry coming from out of the site has been indicated and it needed to be widened up. The
4 existing berm that is out there needed to be cut back and the grading changed out at the front
5 entrance. She said it was to be more suitable for coming in and out of the complex. Because of
6 the turnaround, she said some additional storm drainage had to be added, a filter strip created and
7 a bio filtration area related to the turnaround because there was some additional pervious surface.
8 She said the site plan pretty much remains the same, while pointing out that it is showing the
9 access road following through the existing access, out to the back, which is currently cornfield.
10 She said the building is 26,000 SF and that there are some additional images that were previously
11 submitted with respect to how the building worked. This has been to the Architectural Review
12 Board (ARB) and there were some changes with respect to what the building looked like, which
13 was previously submitted. She asked if the Board wanted to see those images as well and Mr.
14 Eickman and Ms. Gee responded yes. She noted the picture of the dimensions of where this is on
15 Lime Kiln Road and showed that the building itself is 3 tones of gray and the blue, which
16 matches the Morrow logo. There were changes to add a stone veneer, the office component and
17 some detail related to the office component that resulted from discussions with the ARB. She
18 said the questions that were asked before was what the building looked like and how the crane
19 and the building go together. They managed to cut the height of the crane down, which was done
20 based on n image that will come forward. The height of the crane is based on being able to lift up
21 the components, which are generally between 30 and 40 FT long. They do not get lifted up
22 horizontally, but vertically and then they are set down horizontally. He said the images are how
23 the different parts get stacked. She showed how the crane height is determined, where there has
24 to be some room underneath. There is the rigging, the crane component and a good 10 FT
25 clearance is needed on top of the materials. She said that pretty much dictates how the height of
26 the crane is set up, which was one of the questions raised previously. In addition, she said the

1 Board was interested in images of the building and crane and she showed the view from the
2 project drive and, coming up, it is 750 FT from Lime Kiln Road at this point. She showed the
3 sideview that faces Lime Kiln Road and what it would look like for the building-crane
4 relationship.

5
6 Ms. Hahn concluded, saying that the have addressed the FAB, the ARB is set with minor changes
7 made and the storm drainage is updated.

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9 Before opening up for Public questions or comments, Mr. Eickman asked if there were any
10 questions or comments from the Board Members or professionals.

11
12 Mr. Miyoshi commented that he thinks it is nice that the height was reduced and asked how tall
13 this is, in relation to the cell phone tower that is over by the State Highway Department. Ms.
14 Hahn responded, saying that, based on a general estimate, it is lower than the cell phone tower
15 Mr. Miyoshi said that is good, because he would see it from his house and was hoping it
16 wouldn't be more than that. He thanked Ms. Hahn.

17
18 Mr. Eickman asked Mr. Cunningham if there was anyone present from the public for the matter
19 and he asked for anyone present to wave there hand. Mr. Cunningham said he did not see any
20 hands raised. Mr. Eickman said the Public Hearing would be closed this evening, but would be
21 kept open for 10 days for any written comments that may be offered by anyone from the public.
22 He said this will be put n the next meeting agenda for a Decision.

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24 **MOTION made by Lori Gee, seconded by Ed Miyoshi, to close the Public Hearing**
25 **for Morrow Crane. Voted and carried unanimously.**
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1 Mr. Eickman thanked Ms. Hahn and she replied that it was appreciated. She asked if, at the next
2 meeting, that is when the Negative Declaration would be done. Mr. Eickman and Ms. Robbins
3 replied Yes. Ms. Hahn said they are trying to get the Health Department things in order, and that
4 they will be before the Zoning Board of Appeals, as well. Speaking to Ms. Robbins, Mr. Bryant
5 said he believed the submission came in late and CPL had not had time to review the stormwater.
6 He said a complete SWPPP had not yet been submitted and he thinks that speaking about a Neg
7 Dec at the next meeting may be premature at this point, until the SWPPP is looked at. Ms. Hahn
8 said a preliminary SWPPP had been submitted and drainage plans with the original plans, so she
9 thinks they have not gotten a chance to finish their review.

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11 Mr. Juhren thanked the Board for their time in reviewing the project.

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18 ***SKETCH PLAN:***

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20 2. **#2021 – 006 Old Hickory Subdivision**, 480 Old Hopewell Road (6357-03-159425)
21 Applicant is applying for a SKETCH PLAN for a 26-lot subdivision (1 existing
22 structure) on 51.5 acres in the R-1 Zone

23
24 Chris LaPorta, P.E., Passero Associates was present, representing the applicant.

25
26 Mr. Eickman asked Ms. Robbins to give a summary of the project and she proceeded to share her
27 screen. She explained the proximity of Old Hickory Subdivision to All Angels Hill Road and Old
28 Hopewell Road, saying it is just where one enters East Fishkill from Wappingers. She pointed
29 out the old horse farm, saying the proposal is for 26 lots cluster subdivision with a lot for the
30 septic and 25 homes are proposed.

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2 Mr. La Porta also shared his screen, saying he used Google Earth to create the topography. He
3 pointed out the plateau that the development is being positioned on. He also showed the location
4 of the floodplain along Sprout Creek and a hill, which is located on the east side of the plot. He
5 said it is a 26 lot subdivision and some other ideas were kicked around, but that this seems like
6 best, as he pointed out the environmentally sensitive areas, such as the floodplains and steep
7 slopes that they want to stay away from. They are taking advantage of the cluster development,
8 which reduced the lot sizes. He said the lots are approximately 100 x 200, 20,000 SF and just shy
9 of half (1/2) acre lots. He pointed out the location of the community septic and the stormwater
10 along the frontage of the road. A horse fence is proposed around the community septic and
11 around the stormwater. Since it was a horse farm. he said they are looking to preserve as much of
12 the historical context of the site as they can. When one is driving by, he said the horse huts can be
13 seen. He pointed out where there would be some sort of infiltration practice with sand and gravel
14 on the site and said they dug a few test pits that are pretty consistent throughout the development
15 area. He showed where it should be suitable for both the septic and stormwater management. Mr.
16 Miyoshi asked if that was the area of the existing pod and Mr. LaPorta pointed out where there is
17 an existing barn. Mr. Miyoshi said and, to the left of that there is a pod. Mr. LaPorta said Yes, it
18 is by the property line and that he thinks it was a cattle pond, a manmade pond for when it was
19 the horse farm and for the horses to get drinks. It can be seen from the road He pointed out on the
20 map a separate area where there was another one, on the edge of the property line. He said the
21 nice thing about doing the cluster style development is that they can put a nice buffer to the
22 neighborhood. It is 485 FT to the nearest structure. He said there is a structure even further, about
23 600 FT. On the west side there is about 400 FT to the property line and he pointed out where
24 there is Town land by Sprout Creek. He said the Town of Wappinger owns the land on the west
25 side of the Creek and up to the North there is still some buffer between Brett View Acres Park.
26 He said they are not really encroaching on any neighbors and it is pretty well screened. The horse

1 fence would have been brought all the way out to the property line, but he said there is a nice
2 existing tree line there that will get some natural screenings to this development that he would
3 like to leave as much intact as possible. The main entrance has been put at a high point, so there
4 is the best visibility either way when coming in or out. He showed the location of an emergency
5 access where some sort of grass pavers would be used. He said that there is a secondary access at
6 an area where there are parked maintenance vehicles for when maintenance is being done on the
7 stormwater or septic. He said it reduces the length of the cul-de-sac, for fire protection purposes.
8 He believes they are in the neighborhood of 1200 FT. From the loop road, he said it would be
9 less, but if it taken all the way from the street, it would be closer to the 1200 FT, which slightly
10 exceeds the 1000 FT. He said that was why they did the loop road, to reduce the length of the
11 cul-de-sac. In taking a look around the surrounding neighborhoods, he said the Presidential Way
12 cul-de-sac is actually longer than this one. In looking around East Fishkill, he said there are a lot
13 of these cul-de-sacs. He noted that the one on Dale Road is over 3000 FT long and said this one
14 is not really doing anything that exceeds what already exists all over East Fishkill. He is hoping
15 that having the secondary emergency access will be acceptable to the Fire Department and to
16 have the length of the cul-de-sac. He said they have to go to County Planning to make sure it is
17 okay. He anticipates that they won't have any issue because it would be a gated emergency
18 access. He said it won't be something that people would be driving in and out of and everyone
19 would be using the main access. Mr. LaPorta said that this was kind of a high-level description of
20 what is being proposed. He said it is a Sketch level application and that they are trying to get
21 some initial comments from the Board.

22
23 Another thing to add is that he spoke with the Dutchess County Water and Wastewater Authority
24 about this and he said it seems like it is the type of system that they would be interested in taking.
25 He said he was involved with the Overcreek project which was a much smaller project, a 14-lot
26 subdivision, and the County did take ownership of the community septic there, which is just

1 about the exact kind of system being proposed here. He said he has a good feeling that they will
2 be able to work with the DCWWA taking ownership of this. He said that is if the Town is not
3 interested and he believes, from the comment letter, that they may not have an interest in taking
4 over septic systems. He noted that some of the backyards are in the floodplain. They are trying,
5 generally, to not touch it, but are hoping that, with a little bit of grading, they could do a
6 compensatory cut and fill so that there is no net change in the floodplain and the folks can have
7 smooth back lawn areas.

8
9 Mr. LaPorta said one of the biggest hurdles in this project that needs to be overcome is that the
10 DEC environmental mapper has a hit for Blanding turtle somewhere in the area, generally down
11 the Sprout Creek corridor and they are trying to learn more about this. He said they do not think
12 that it is a suitable nesting habitat because it is so overgrown with thatch right now. He said if the
13 DEC were to take that opinion, they would need to work out some sort of on or off site
14 mitigation and look further into the feasibility of the project after letting that out.

15
16 Mr. LaPorta opened up for questions or comments and thanked the Board for letting him present
17 this tonight and he was looking forward to hearing everyone's thoughts.

18
19 Mr. Miyoshi expressed that he has a concern. He remembers coaching baseball in Brett View
20 Park with his kids and there were games that they could not have because the creek was flooded
21 over the fields or underneath water. He said he also remembers that the water table was very high
22 there and he would be very concerned about some of the things that are being put on the left side
23 of the road there. Mr. LaPorta said Yes, they would need to have a survey done and firm up the
24 floodplain line, He said the entire baseball park is within the floodplain and they are trying to
25 keep the development out of there. The idea is that these folks can have walk-out basements on
26 their house, to take advantage of the grade but they will be very cognizant, very aware, and

1 makes sure these houses will need to have the floodplain certs done. He said they need to have
2 surveys after construction to make sure they don't need flood insurance. Mr. Miyoshi said he was
3 thinking they would want to put it on a slab, because going down into that he sees as being a
4 problem, but that they know more about this than he does. Mr. LaPorta said they would continue
5 to do their due diligence. He said he didn't see any evidence; they did test pits a couple of weeks
6 ago during the wettest time of the year there. There was no evidence of groundwater seen; it was
7 well-drained sand and gravel. He said he didn't have a soil map, but somewhere there is a soil
8 line there and a different type of soil in the floodplain that is not as well drained. He said they
9 would be well aware of the floodplain elevation, the seasonal groundwater levels and all of that.
10 He said if it does make sense that they will be slab-on-grade, and if they are able to get more
11 square footage for a house and make nice units by doing the walk-outs, then they would like to
12 proceed that way.

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14 Ms. Gee asked Ms. Robbins to remind her of what the Town's Code is for cul-de-sacs. Ms.
15 Robbins replied that it was a comment that Mr. Setaro had. Right now the maximum length of a
16 proposed subdivision road is about 1000 FT. She thinks, from either point of entrance of the
17 emergency access it can be 1200 FT. Mr. LaPorta asked if that would be at either point of
18 entrance or where the loop connects to the cul-de-sac. Ms. Robbins said either access point. Mr.
19 Bryant said, because this is not a full access entrance onto Old Hopewell; that is gated, it would
20 be from the furthest point. He said if that were to be a full access entrance, then it could be
21 measured from that further point north. But, he told Mr. LaPorta,, as it is laid out right now, it is
22 just a gated entrance which wouldn't count in his favor at this point. Mr. LaPorta asked if it was a
23 Town Code, not a Fire Code issue. Ms. Robbins said Right, it is a Highway Code. Mr. LaPorta
24 said he was not aware of this and thought it was a Fire Code that there maybe could be a waiver
25 to because he has noticed there is a lot of precedence all over the other neighborhoods. Ms. Gee
26 said those are much older and she thinks they predate the Code. Mr. Bryant said they don't have

1 the Board's thumbprint on it. Mr. LaPorta asked if it is something the Town could consider a
2 waiver on since it is just a minimal extension of the 1000 Ft. Mr. Cunningham said a further
3 review would need to be done, but it might require a variance.

4
5 Ms. Gee said she would go with what Mr. Miyoshi said, and that a couple of homes at the cul-de-
6 sac are very close; they would have minimal backyard, if the swap can't be done that was talked
7 about. She said she did not know what it entails but people want to enjoy their yard. Mr. LaPorta
8 said they did talk, he sent a note to the Town's floodplain administrator just earlier today. He is
9 hoping to start that discussion about if a compensatory cut and fill would be allowable.

10
11 Ms. Gee asked Ms. Robbins if the floodplain boundary was the same as, or similar to, a wetland
12 boundary; where the homeowner can't mow it, plant it or put a shed in it or do these things just
13 mean flood insurance. Ms. Robbins replied that it is different than a wetlands boundary; one is
14 allowed to disturb, but technically not supposed to put in any impervious surfaces as it not allowed
15 to take away any of the capacity for it to absorb floodwater, basically. Mr. Bryant added that he
16 spoke with Bridget Barkly from the County and did confirm a conversation regarding the County
17 possibly taking the onsite septic field. He said, to reiterate, the Town has no desire to take that
18 over, or accept any future responsibility for if, in fact, the Transportation Corporation were to be
19 born. He said the County is in favor of cluster subdivisions, as explained to him. He doesn't
20 know if they know all the specifics of this particular piece, but his understanding in his brief
21 conversation is that they will entertain taking that.

22
23 Ms. Gee asked if the site distance on the side of the horseshoe that is being gated off does not
24 work out and if that was why it is being made an emergency entrance. Mr. LaPorta said it was
25 really that it was the optimal place to put the entrance, because it is a high point. He pointed out
26 where it gets a little low and said he didn't think that sees more of a runoff from the hill that

1 comes down. He said he didn't want to try and put a septic area where it is wet, even though it is
2 a sandy material; it is really the optimal location there and at the same time it did not give him
3 the ability to do a loop to try to shorten the distance and give an option for emergency service to
4 utilize emergency access. He pointed out where the existing driveway is when one drives in,
5 saying it really drops off and one is going downhill steep as one comes in. When one is leaving,
6 he said it is a little harder to see, but as one drives up and gets onto the road, one can see far. He
7 said he has a feeling that there were improvements made to bring the grade up so one isn't
8 dropping down into a hole that the vehicle would have adequate site distance and he said that
9 hasn't been proofed out yet. He said it could be looked at to make it a permanent access; he was
10 not sure how the County Public Works Department would feel about having 2 drives so close to
11 one another, but he said he will certainly reach out about this.

12
13 Mr. Arco asked if it was 1200 FT the old Hopewell Road entrance to the cul-de-sac. He replied
14 that he just measured from the intersection. He pointed to where he could take it the furthest
15 point with a line, saying it was about 1263 FT to there.

16
17 Mr. Bryant asked Mr. LaPorta if there was a plan to show the steep slopes and he replied he did.
18 He displayed an elevation map to show where the topography changes and starts to climb He also
19 showed the slopes map, saying it is zero to 5, 5 to 10- and 10 to 20. He pointed out where the
20 map colors are red and orange, saying that is where they would basically want to stay away from.
21 He said there are some spectacular views up on the hill but that he didn't want to mess around
22 with trying to get a road up there and it would be behind neighbors and they probably wouldn't
23 be too happy about that. He displayed a site analysis that he said filtered out the steep slopes
24 using GIS lighting which is from the State data base; it is not surveyed, but he said it is u usually
25 pretty good.

1 Ms. Gee asked, when the lot count was arrived at, were the steep slopes removed and
2 environmentally sensitive lands. Mr. LaPorta said he did. He showed the formula used which
3 was the gross parcel area, minus wetlands, water and floodway and said 50% of the steep slopes,
4 if they are not part of the floodplain and on the right-hand side was all removed. He said he came
5 up with around 25 and if it is the GIS parcel, it is about an acre short, so it is give and take. With
6 the lot count, he said they would probably end up with between 23 and 27, once there is an actual
7 survey. He showed the pink portion saying it is Hoosick gravel and loam, a hydrologic soil,
8 greater than 80 inches to the water table and bedrock so it is a very good material for
9 construction, septic and stormwater. He explained that once one gets more into the purple
10 portion, it is a pollen silt loam and the depth to the water table is 18 to 25 inches in that area.
11 There it is hydrologic soil groups B and D and he uses D on the sketch database, so once one gets
12 in there, it is high ground and loses the filtration capability is lost in the soil. Once it starts
13 climbing, and into the steep slopes, he said it is different material and restrictive features,
14 whether it is water, rock or less infiltration. He reiterated that the optimum place to be is in the
15 pink soil shown on the site analysis.

16
17 Mr. Bryant referred back to the sewer design, asking if it is proposed for each house to have a
18 pup; how is this being laid out. He said it doesn't look like they will get gravity from one end to
19 the other. Mr. LaPorta said it is very flat and they might be able to get gravity, with the chamber
20 at the end and that he has not really gotten too far into the design yet. He said there is preliminary
21 sizing on the septic field and using a scale it is about the size of what it will be. He said he hasn't
22 tried to do sewer runs to see if it has to be pumped to get it over there. He plans to have a dosing
23 chamber at the community septic so that there is a dosing system once it gets to a certain size
24 which is a better way to do it.

1 Mr. Bryant asked about the conveyance system in the road, presumably, or in the right-of-way,
2 and if it would all be conveyed to the County, the conveyance system as well as the septic field
3 itself. Mr. LaPorta said he needs to talk with Bridget and assumes that they will probably want
4 easements and conveyance, construction subject to the DCPWA standards and take ownership of
5 the line. He said that would make the most sense and charging the end users themselves. He said
6 he needs to confirm this, but it is what he anticipates.

7
8 Ms. Gee asked who owns the remainder of the land that is not being developed and if it ends up
9 being dedicated back to a conservancy or what is the plan. Mr. LaPorta said that is a little up in
10 the air at this point. He pointed out on original plan that he had displayed where it is all
11 floodplain and environmentally sensitive to the turtle. He said it could be something that they
12 would consider giving to the Town, but it spans Brett View Acres Park and is about 12 acres. He
13 said they could probably not do much besides walking trails on it and that it sounded like there
14 were already maintenance issues with the baseball diamond, which he pointed out. He said it
15 would probably increase the usable frontage along the Sprout Creek for walking. He pointed out
16 the area up on the hill that he would consider putting into a Conservation easement since he does
17 not think it would be adequate park land. He said it is in between 2 neighborhoods and the side of
18 a hill. He said they are very open to anything and as long as the residents have access to be able
19 to walk down the creek, that is great. He displayed a drone photo, pointing out the cattle ponds
20 and stream and said the Town land can't really be walked across. He said that maybe some
21 bridges could be done but he thinks opening up the rest of the lands to expand the park area is a
22 little more upland. It is within the flood boundary, but it is a little less open. He pointed out the
23 drainage and where it is cutting through the area, saying that maybe there could be a main trail,
24 with little off shoots, and a little wooden bridge to get up to the waterfront. He said he is not a
25 landscape architect and would let the people who are good at that tell them what it should be; it is
26 just his thought.

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2 Mr. Eickman asked if there were any other questions or comments. Mr. Miyoshi asked what if
3 they are not able to get a variance of more than 1000 FT and does that mean it is just shortened or
4 cut out a few houses. Mr. LaPorta said yes, it just depends and they are doing their due diligence
5 for the number of houses which will make it work. He said Yes though, they would need to
6 shorten it and would lose a few houses. Mr. Bryant said the key thing is the County confirming in
7 writing that they are willing to take over the septic system. Mr. LaPorta said Yes, that is very
8 important.

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10 Mr. LaPorta added that they are interested in connecting to the Town water main and pointed out
11 on the plan where it sits, more on Presidential way. He said they would be interested in
12 discussing the next steps and seeing what they need to do. He said it would be bringing the main
13 water over and putting it up and through. With 20,000 SF lots, he said they could have either
14 private septic or water; they could do private wells with the size of the lots at the site. But, he
15 thinks the preferred way to go would be to connect to the Town water. Mr. Arco asked if there is
16 fire water there for hydrants. Mr. LaPorta replied that there are fire hydrants on Presidential Way
17 and he would have to look into the capacity to expand and protection for this subdivision. Mr.
18 Bryant said that, currently those are just flushing hydrants on Presidential Way; they don't
19 currently have fire water capacity. Mr. Arco said, if he wasn't mistaken, that if a hydrant is put in
20 that development, then it gets away from the 1000 FT restriction, correct? Mr. Bryant said there
21 is no verbiage in the Town Code that correlates hydrants and the length of a cul-de-sac.

22
23 There were no further comments or questions from the Board Members or Professionals. Mr.
24 Eickman thanked Mr. LaPorta for the presentation and Mr. LaPorta thanked him, said he was
25 appreciative of the comments and looked forward to more discussions in the future.

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6 ***DISCUSSION:***
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8 3. **#2021 – 007 Forestiere**, 8 Country Lane (6356-01-408655)

9 Applicant is proposing a 3-lot subdivision (1 existing home/disregard, does not exist)
10 on 4.34 acres in the R-1 Zone.

11 Christopher Forestiere, applicant, was present. Michael Gillespie, Consulting Engineer entered
12 the virtual meeting later.
13

14 Mr. Forestiere spoke, saying he was assuming Michael Gillespie was present and that he would
15 be the one speaking. Ms. Robbins displayed the plan.
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17 Mr. Forestiere proceeded until Mr. Gillespie could join the meeting, saying that he just bought a
18 4.3 acre lot, which was 6 Country Lane when he bought it. He said he and his wife want to build
19 a house and then separate the parcel into 2 other lots that he would either possibly just leave, or
20 put in spec houses. He said Mr. Gillespie did the work to figure out the places for the septic and
21 he knows that he had to use a different type than usual. He asked the Board what pertinent
22 information he could give them. He said there is a right-of-way to the north of the property that
23 serves a house that lies behind and Ms. Robbins pointed it out on the plan. Mr. Forestiere said
24 that he believed that was accounted for. He said there are wetlands in the rear of the property.
25 Ms. Robbins asked if the wetlands had been flagged at all and Mr. Forestiere replied that he had
26 a survey done and he does not know if the wetlands are completely flagged. He said the slope is
27 very steep and, for sure, that they would not come into any of the building. Ms. Robbins asked
28 him if he was going to have to grade or disturb any of the wetlands. Mr. Forestiere said he did not

1 believe so and does not plan on having any walkouts out of the back and he believes they will be
2 on slab. Ms. Robbins told Mr. Forestiere that, for purposes of the lot count, to basically delineate
3 the wetlands and get them surveyed, and any steep slopes that would be counted in the formula.
4 She said Mr. Gillespie will know what that is. Mr. Bryant asked if there were any preliminary
5 calculations done. Mr. Forestiere said he believed all the calculations had been done and he
6 wished Mr. Gillespie were there to tell about them. He is trying to get on to the meeting. Ms.
7 Robbins pointed out the wetlands on the parcel access, saying it shows a lot of DEC and Federal
8 wetlands. Although the agenda said there was an existing home. Ms. Robbins said it was a
9 mistake – there are no existing homes. Ms. Robbins displayed the parcel access, pointing out the
10 wetlands and said the mapping is not perfect. It shows that the floodplain extends slightly onto
11 the lot so she said it is possible that the wetlands extends onto the adjacent lot, which needs to be
12 known for the environmentally sensitive lands. Mr. Bryant said there is a pretty big difference in
13 elevation where the house is proposed. Ms. Robbins said she is not so concerned about it being
14 an impact to the development; it is the lot count formula.

15
16 Mr. Gillespie was able to join the meeting at this point. He said he did not know what had been
17 discussed but he knew the concern that he got from Ms. Robbins was the wetlands. He said there
18 are State wetlands on the back side of the property. He heard that there may be an issue with the
19 adjacent area that flows onto the property. He was out at the site this day and said he was not
20 particularly concerned about it. He said he is not a wetland expert, but it seems that it is very
21 clear that there is not an issue. However, he said, it should get flagged by DEC. The subdivision
22 as laid out takes into account the floodplain in the back side. He said he thinks there is some
23 history relative to the property being mined in the past and there is significant deep drop off in
24 the back where the floodplain lies. He understands the concerns with the potential for the offsite
25 wetlands coming onto the property. He asked if that had been the discussion held up to this point
26 and Ms. Robbins replied Yes; the concern is not so much as it relates to the houses, it is just the

1 lot count formula. In terms of the lot count formula, Mr. Gillespie said he knows that there a
2 steep slopes as well as the floodplain. He said they are okay, but the adjacent area, if it even
3 comes onto the property at all, would be in the same areas as the floodplain. He said he does not
4 think it will impact it as much and there is a reduction for the floodplain area as well. He said the
5 rear of the property is all he saw today but that he could certainly get someone from the DEC to
6 get out there to sign off on it. He knows the next step would be a Public Hearing, which he said
7 he would like to do but Ms. Robbins was hesitant for that, based upon the fact that there may be
8 an encroachment on the adjacent area. He said they can get this between now and the next date.

9
10 Mr. Eickman asked Mr. Gillespie if there was anything the Board should be aware of. He replied
11 that he thinks it is a straightforward subdivision, 3 lots with the lot count formula and he thinks it
12 is in good shape. The next step would be to schedule a Public Hearing, but he told Ms. Robbins,
13 if she is uncomfortable with that, the wetlands can get delineated between now and the next
14 meeting. However, he thinks they are pretty well covered since the wetland is a good distance
15 from the property line.

16
17 Ms. Robbins said that, ultimately if there are more wetlands than what was anticipated, then the
18 worst-case scenario would be for it to go from a 3-lot subdivision to a 2-lot subdivision. Mr.
19 Gillespie said it would, but he is not worried about the wetlands themselves He said if one looks
20 at parcel access, the wetlands are fairly off the edge and he thinks the issue is the adjacent area.
21 But again, he said, the adjacent area would be covered by the existing floodplain, which was
22 already taken into consideration in the reduction. Mr. Bryant told Mr. Gillespie then he was not
23 looking for a Floodplain Development permit because there is no disturbance in the floodplain,
24 correct? Mr. Gillespie responded No; they specifically stayed out of the floodplain so they
25 wouldn't have to work with that. He said he knows there was a comment about the CPL and the

1 Floodplain Development Permit. He said in talking with Rick Witt, the floodplain administrator
2 for the Town, they specifically kept everything out of that area.

3
4 Mr. Bryant told Ms. Robbins that he saw a note about 2 front yards but he does not think, from a
5 practical standpoint that they need to be too worried about it. Ms. Robbins said, the only issue is,
6 when there is a lot like this, is that she would recommend to the Board that, when they approve
7 the subdivision and it is determined what the front yard is, if they have to come in, in the future,
8 they don't have to have a discussion about where the front yard is. She said the Planning Board
9 has the ability to designate the front yard at the time of subdivision approval. Mr. Gillespie
10 asked if she was talking about Lot 1 and Ms. Robbins replied Yes, the one where Mirras Blvd. is
11 behind it. Mr. Gillespie said that is on the back side and Yes, by Baxtertown Road and he
12 believes that is a private way; it is not gated.

13
14 Ms. Robbins asked Mr. Gillespie was planning on facing the houses towards Country Lane. Mr.
15 Gillespie said they were, and, at the end of the day, because of the floodplain, they kept all the
16 houses, septic area, all towards Country Lane and in kept it from the back. He said Mirras Blvd.
17 is a private road, lane and he does not believe it is a Town road.

18
19 There were no further questions or comments from the Board Members or Professionals.

20
21 Mr. Eickman told Mr. Gillespie and Mr. Forestiere that it looks like they know what needs to be
22 done and that he would possibly see them at the next meeting. Mr. Gillespie said then the Board
23 would not be comfortable at this point to move into a Public Hearing until the wetland
24 delineation is set. Mr. Eickman asked him if this is something he could accomplish. Mr. Gillespie
25 said he walked the property this day, based on an email that he got earlier from Ms. Robbins. Just
26 so he had it clear in his head, he said, again, that he is not a wetlands expert but he knows what is

1 wet and what is not; but has a good idea about plant species and so forth. He said he believes it is
2 a non-issue and doesn't want to hold up the application and moving forward to a Public Hearing.
3 He said he knows the lot count formula and it was provided; he knows the Board wants too and
4 he will get it in next month. If it is an extra month and they want to get it done with the plan, he
5 said they would take care of it to get it in next month so this can move to a Public Hearing,

6
7 Ms. Gee said the end result would be going from 3 lots to 2, and less impactful. Ms. Robbins said
8 that was correct. Mr. Bryant asked if the calculation was on this plan and Mr. Gillespie
9 responded that it was. He said it is not the wetland, but it is the adjacent area. He said to Ms.
10 Robbins that Lot 1 has a significant floodplain on the back side of that Lot. The only thing he
11 would be concerned with is the adjacent area encumbered by the adjacent floodplain area, but a
12 double deduction is not taken.

13
14 Mr. Eickman asked Ms. Robbins if this is something she is comfortable with in setting a Public
15 Hearing for the next meeting and she replied that does not see any plan issues as it relates to that.
16 She said it is just making sure that the lot count is correct and moving forward. She told Mr.
17 Eickman it was up to the Board if they wanted to set the Public Hearing for the next meeting,
18 which she thinks is May 18th and Ms. Keenan confirmed this.

19
20 Mr. Gillespie said a logistical issue is that he thinks this is within 25 days to the next meeting and
21 that is pretty tight. Ms. Robbins said yes, it is 20 days and close and that he has to turn this
22 around quickly. Mr. Gillespie said he could certainly get the mailings out and the signs out and if
23 it is 20 days, then this will work.

Mr. Gillespie said he appreciated the move tonight to the Public Hearing and he would see everyone next month. He apologized for entering the meeting late, but he had some trouble tying into it.

ADJOURNMENT

Respectfully submitted:

Kathleen Mahodil, Meeting Secretary
East Fishkill Planning Board